

United States District Court

**EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

§

vs.

§

Case No. 4:07cr35
(Judge Crone)

GREGORY DARNELL AKINS (2)

§

REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for revocation of Defendant's supervised release.

After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on December 18, 2013, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Mandy Griffith.

On November 6, 2007, Defendant was sentenced by the Honorable Marcia A. Crone to one hundred and twenty months (120) months followed by three (3) years of supervised release for the offense of Possession of a Firearm Not Registered in the National Firearms Registration and Transfer Record. On July 15, 2009, an amended judgment was entered reducing the term of imprisonment to eighty (80) months. On October 31, 2012, Defendant completed his period of imprisonment and began service of his supervised term.

On November 7, 2013, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated the following mandatory condition: the defendant shall refrain from any unlawful use of a controlled substance. All other allegations were dismissed by the Government.

The petition alleges that Defendant committed the following acts: (1) On November 12, 2012, and January 2, 2013, Defendant submitted urine specimens that tested positive for marijuana;

and (2) On December 4, 2012, Defendant submitted a urine specimen that tested positive for cocaine. During each of these occasions, either Defendant admitted to using illegal drugs or the specimen was confirmed positive by Alere Laboratories.

Prior to the Government putting on its case, Defendant entered a plea of true to the remaining violation. The Court recommends that Defendant's supervised release be revoked.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twelve (12) months with no supervised release to follow. It is also recommended that Defendant be housed in the Bureau of Prisons, Seagoville Unit.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 20th day of December, 2013.



AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE